

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of

Fard

Confirmation No. 5115

Serial No. 10/803,189

Group Art Unit 3733

Filed March 18, 2004

Examiner San Miguel

For BONE MILL AND TEMPLATE

Commissioner for Patents

PO Box 1450

Alexandria, Virginia 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In response to the Office Action mailed April 4, 2007, the applicant elects the Group 1 invention which includes claims 1-13 and 67-77. The election is made with partial traverse with respect to the Group 2 invention (claims 14-60 and 86-104). As has been recognized by the Examiner, claim 1 is drawn to a single template whereas claim 14 is drawn to a kit for knee replacement surgery. Each of the features for the template of claim 1 are recited for the individual tibial frames in the kit of claim 14; thus, searching for the features of claim 14 (group 2) simultaneously while searching for the features of claim 1 (group 1) would not place an undue burden on the Examiner. Furthermore, claim 14 (group 2) would be allowable for at least the same reasons as claim 1 (group 2); therefore, even if group 2 is considered separate from group 1, the claims of group 2 should be rejoinable with the claims of group 1 upon allowance of the claims in group 1.

As the applicant has elected the group 1 invention, in response to the election of species requirement, the applicant elects species 2 (Figures 5a-b). This election is made with traverse. The chief difference between Figures 2a-b and 5a-b is the presence of a bent tab 330. The chief difference between Figures 5a-b and 5a-c is the configuration of the bent tab 330. The claims which read on the elected species include 1-13 and 67-77 (all the claims in the elected invention). Claim 69 specifies a pre-bent hook and would appear to include the tack 332 shown in Figures 5a-b and the prongs 330 in Figure 5c. The species shown in Figures 5d

and 5e possibly do not show a pre-bent hook; however, these species meet the requirements of every other claim in the elected invention.

In view of the above, please proceed to examination on the merits.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "M. Whitham", is written over the typed name.

Michael E. Whitham

Reg. No. 32,635

Whitham, Curtis, Christofferson & Cook, P.C.
11491 Sunset Hills Road, Suite 340
Reston, VA 20190

Tel. (703) 787-9400
Fax. (703) 787-7557

Customer No.: 30743